

AMENDED IN SENATE MARCH 27, 2012

SENATE BILL

No. 1535

Introduced by Senator Padilla

February 24, 2012

An act to ~~amend Section 142 of the Penal Code, relating to crime~~
add and repeal Section 38599.5 of the Health and Safety Code, relating
to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

SB 1535, as amended, Padilla. ~~Crime: county jails. California Global Warming Solutions Act of 2006: water industry study.~~

Existing law, the California Global Warming Solutions Act of 2006, designates the State Air Resources Board as the state agency charged with monitoring and regulating sources of emissions of greenhouse gases. The state board is required to adopt a statewide greenhouse gas emissions limit equivalent to the statewide greenhouse gas emissions level in 1990 to be achieved by 2020, and to adopt rules and regulations in an open public process to achieve the maximum, technologically feasible, and cost-effective greenhouse gas emission reductions. Existing law authorizes the state board to include market-based compliance mechanisms, as defined, to comply with the regulations.

This bill would require, by July 1, 2013, the state board to conduct a thorough study and present its written findings to the Legislature, as prescribed, on the benefits that can be achieved through specific water sector measures in lieu of regulating the water industry under market-based compliance mechanisms with a specific compliance obligation.

~~Existing law makes a peace officer who has the authority to receive or arrest a person charged with a criminal offense and who willfully~~

~~refuses to receive or arrest that person guilty of a crime, punishable by a fine not to exceed \$10,000, imprisonment in a county jail, as specified, as either a misdemeanor or a felony, or by both that fine and imprisonment. Existing law also authorizes a sheriff to determine whether a jail, institution, or facility under his or her direction is designated as a reception, holding, or confinement facility and to designate the class of prisoners for which the facility is used.~~

~~This bill would make technical, nonsubstantive changes to these provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 *SECTION 1. The Legislature finds and declares as follows:*
- 2 *(a) The California Global Warming Solutions Act of 2006,*
- 3 *Division 25.5 (commencing with Section 38500) of the Health and*
- 4 *Safety Code, (Assembly Bill 32; Chapter 488 of the Statutes of*
- 5 *2006) declares that global warming poses a serious threat to the*
- 6 *economic well-being, public health, natural resources, and*
- 7 *environment of California and creates a comprehensive multiyear*
- 8 *program to reduce California's greenhouse gas emissions to 1990*
- 9 *levels by 2020.*
- 10 *(b) Under Assembly Bill 32, pursuant to Sections 39600 and*
- 11 *39601 of the Health and Safety Code, the Legislature authorizes*
- 12 *the State Air Resources Board (state board) to adopt standards,*
- 13 *rules, and regulations and to act as may be necessary for the*
- 14 *proper execution of the powers and duties granted to and imposed*
- 15 *upon the state board by law.*
- 16 *(c) Subdivision (c) of Section 38562 and Section 38570 of the*
- 17 *Health and Safety Code authorize the state board to adopt*
- 18 *regulations that utilize market-based compliance mechanisms.*
- 19 *(d) Pursuant to this authority, the state board adopted*
- 20 *Resolution 11-32 on October 20, 2011, adopting the Final*
- 21 *Regulation Order for the California Cap on Greenhouse Gas*
- 22 *Emissions and Market-Based Compliance Mechanisms (Sections*
- 23 *95800 to 96023, inclusive, of Title 17 of the California Code of*
- 24 *Regulations) including the four Final Compliance Offset Protocols*
- 25 *(hereafter cap-and-trade regulations).*

1 (e) As part of Resolution 11-32, the state board directed its
2 executive officer to continue discussions with water industry
3 stakeholders to identify and propose potential amendments to the
4 cap-and-trade regulations to address the distribution of allowance
5 value associated with cap-and-trade compliance costs from using
6 electricity to supply water, and the expected ability of allowance
7 allocation and other measures to adequately address the incidence
8 of these costs equitably across regions of the state.

9 (f) To date, the state board has not adequately addressed the
10 adverse impacts on the water industry.

11 (g) The Legislature directs the state board to evaluate the
12 benefits that can be achieved through specific water sector
13 measures, such as the policy development work being done by the
14 Water Energy Team of the Climate Action Team (WETCAT), in
15 lieu of regulating the water industry under cap-and-trade
16 regulations with a specific compliance obligation.

17 SEC. 2. Section 38599.5 is added to the Health and Safety
18 Code, to read:

19 38599.5. (a) By July 1, 2013, the state board shall conduct a
20 thorough study and present its written findings to the Legislature
21 on the benefits that can be achieved through specific water sector
22 measures, such as the policy development work being done by the
23 Water Energy Team of the Climate Action Team (WETCAT), in
24 lieu of regulating the water industry with a specific compliance
25 obligation by regulation adopted pursuant to Section 38570.

26 (b) (1) A report to be submitted pursuant to subdivision (a)
27 shall be submitted in compliance with Section 9795 of the
28 Government Code.

29 (2) Pursuant to Section 10231.5 of the Government Code, this
30 section is repealed on July 1, 2017.

31 ~~SECTION 1. Section 142 of the Penal Code is amended to~~
32 ~~read:~~

33 ~~142. (a) A peace officer who has the authority to receive or~~
34 ~~arrest a person charged with a criminal offense and willfully refuses~~
35 ~~to receive or arrest that person shall be punished by a fine not~~
36 ~~exceeding ten thousand dollars (\$10,000), or by imprisonment in~~
37 ~~a county jail not exceeding one year, or pursuant to subdivision~~
38 ~~(h) of Section 1170, or by both that fine and imprisonment.~~

39 ~~(b) Notwithstanding subdivision (a), the sheriff may determine~~
40 ~~whether a jail, institution, or facility under his or her direction shall~~

- 1 ~~be designated as a reception, holding, or confinement facility, or~~
- 2 ~~shall be used for several of those purposes, and may designate the~~
- 3 ~~class of prisoners for which a facility shall be used.~~
- 4 ~~(e) This section shall not apply to arrests made pursuant to~~
- 5 ~~Section 837.~~